IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.3843 of 2005

DATE OF ORDER: 2.3.2007

Pawan Kumar

...Petitioner(s)

Versus

Punjab and Sind Bank

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Premjit Kalia, Advocate.

Mr. I.P. Singh, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 25.1.2005 passed by Additional District Judge, Amritsar.

It appears that Pawan Kumar, present petitioner had filed appeal against judgment dated 24.1.2004 passed by Civil Judge(Jr.Divn.), Amritsar whereby suit of the plaintiff, now respondent for recovery had been decreed. From the impugned order dated 25.1.2005, it would come out that the appeal was dismissed in default and then an application for restoration was filed, which was dismissed vide impugned order dated 25.1.2005.

On behalf of the petitioner, it is stated that the appeal was filed by the petitioner as an indigent person since he could not pay the amount of even court fee whereas on behalf of the respondent-bank, it is stated that the suit for recovery of Rs.1,15,000/- had been decreed and the petitioner somehow is intentionally delaying the matter before the first Appellate Court.

After going through the facts of the case, it is directed that the petitioner shall deposit a sum of Rs.10,000/- in the respondent-bank as compensation to the bank for delaying the matter and if the amount is

deposited within two months from today then the appeal shall be restored and decided on merits as expeditiously as possible.

With this observation, petition stands disposed of.

March 02, 2007 (M.M. AGGARWAL)
manoj JUDGE